

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2013-420105-001 DT

01/08/2014

COMMISSIONER MONICA GARFINKEL

CLERK OF THE COURT

L. Stroud

Deputy

STATE OF ARIZONA

HEATHER LEE KIRKA

v.

VICTOR ZACHARY MARTIN (001)

DOB: 03/20/1981

JOHN SULLIVAN

APO-SENTENCINGS-CCC

APPEALS-CCC

DISPOSITION CLERK-CSC

RFR

SUSPENSION OF SENTENCE - UNSUPERVISED PROBATION

2:58 p.m.

Courtroom SCT-2A

State's Attorney: Neil Stuart for Heather Kirka

Defendant's Attorney: John Sullivan

Defendant: Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Based upon the information provided the Court finds probation is not mandatory pursuant to A.R.S. § 13-901.01(H)(4); however, the Court finds probation to be appropriate.

Count(s) 2: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

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IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: COUNT 2, AS AMENDED, POSSESSION OF DRUG PARAPHERNALIA  
Class 6 undesignated felony  
A.R.S. § 13-3401, 13-3407, 13-3415, 13-3416, 13-3418, 13-610, 12-269, 13-604, 13-701,  
13-702, 13-707, 13-801, 13-802, 13-901.01(D) and 13-901.01(H)(4)  
Date of Offense: May 6, 2013  
Non Dangerous - Non Repetitive

IT IS ORDERED suspending imposition of sentence and placing Defendant on  
Unsupervised Probation to be monitored by the Adult Probation Department (APD) in  
accordance with APD's Compliance Monitoring Standards:

Count 2 Probation Term: 18 months

To begin 01/08/2014.

Conditions of probation include the following:

Condition 11 - Actively participate and cooperate in the following program(s):

Substance Abuse Counseling

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 2 - \$65.00 per month, beginning 03/01/2014.

FINE: Count 2 - Total amount of \$1,372.50, which includes surcharges of 83%, payable  
\$85.00 per month beginning 03/01/2014.

Fine is to be paid to the Arizona Drug Enforcement Fund.

PROBATION SURCHARGE: Count 2 - \$20.00 payable on 03/01/2014.

Count 2: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable  
on 03/01/2014.

PENALTY ASSESSMENT - A.R.S. §12-116.04: Count 2 - \$13.00 payable on  
03/01/2014.

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Investigative Agency: Peoria Police Department

Count 2: \$15.00 to the Drug Lab Remediation payable on 03/01/2014.

All amounts payable through the Clerk of the Superior Court.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Count 1.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

Defendant has waived the preparation of a presentence report.

3:02 p.m. Matter concludes.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER MONICA GARFINKEL  
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)